

Reason for Vote.

I voted "nay" on Senate bill No. 1, appropriating the sum of \$160,000 for contingent expenses to pay mileage and per diem for members of the House and Senate because it is \$35,000 more than was appropriated by the First Called Session of the Thirty-ninth Legislature, and I was elected on an economy pledge and believe in keeping the pledge made the people.

ALBRITTON.

ADJOURNMENT.

On motion of Mr. Tillotson, the House, at 3:30 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

SECOND DAY.

(Tuesday, May 10, 1927.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called and the following members were present:

Acker.	Gray.
Albritton.	Hall.
Alexander.	Harding.
Avis.	Harman.
Barnett.	Hefley.
Barron.	High.
Bass.	Hogg.
Bateman.	Holder.
Beck.	Holland.
Bird.	Hornaday.
Black.	Jacks.
Boggs.	Johnson
Bonham.	of Anderson.
Boon.	Johnson
Branch.	of Dimmit.
Brice.	Jones.
Brown.	Justice.
Conway.	Kayton.
Cornwell.	Keeton.
Cox.	Kemble.
Cummings.	Kennedy.
Davis.	Kincaid.
DeBerry.	King of Hopkins.
Denman.	King of
Dielmann.	Throckmorton.
Duvall.	Kirby.
Enderby.	Kirkland.
Eickenroht.	Land.
Farrar.	Lipscomb.
Faulk.	Loftin.
Fly.	Long.
Forbes.	Loy.
Foster.	Masterson.
Gibson.	McGill.
Gilbert.	Merritt.
Graves.	Minor.

Montgomery.	Snelgrove.
Murphy.	Stevenson.
Nabors.	Stout.
Nicholson.	Swain.
Olsen.	Taylor.
Pavlica.	Teer.
Pearce.	Tillotson.
Petsch.	Turner.
Poage.	Van Zandt.
Pool.	Veatch.
Pope.	Waddell.
Porter.	Walker.
Reagan.	Wallace
Renfro	of Freestone.
of Angelina.	Wallace of Panola.
Renfro of Mills.	Wallace of Smith.
Rogers of Hays.	Ware.
Runge.	Wassell.
Sanders.	Webb.
Satterwhite.	Wells.
Sheats.	Whitaker.
Shirley.	Williams
Simmons.	of Sabine.
Sinks.	Williams
Smith of Atascosa.	of Travis.
Smith of Nueces.	Woodall.
Smith of Smith.	Young.

Absent.

Daniel.	Rogers of Shelby.
Finlay.	Rowell.
Gates.	Smith of El Paso.
Parish of Runnels.	Smyth.

Absent—Excused.

Anderson.	Powell.
Dunlap.	Purl.
Fuchs.	Rawlins.
Hagaman.	Shaver.
Kenyon.	Shearer.
Kinnear.	Stell.
McCombs.	Storey.
McKean.	Sutton.
Morse.	Williamson.
Moursund.	Woodruff.
Parrish of Travis.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Finlay for today and the balance of the week, on motion of Mr. Hall.

Mr. Hagaman for today, on motion of Mr. Albritton.

Mr. Moursund for today, on motion of Mr. Alexander.

Mr. Dunlap, Mr. McCombs and Mr. Rawlins for today, on motion of Mr. Jacks.

Mr. McKean for today, on motion of Mr. Rogers of Hays.

Mr. Williamson for today, on motion of Mr. Runge.

Mr. Purl for today, on motion of Mr. Holland.

Mr. Sutton for today, on motion of Mr. Denman.

Mr. Kenyon for today, on motion of Mr. Jones.

Mr. Shaver for today, on motion of Mr. Harding.

Mr. Anderson for today on motion of Mr. Dielmann.

Mr. Storey for today, on motion of Mr. Bird.

The following members were granted leaves of absence on account of illness:

Mr. Shearer for today, on motion of Mr. Wells.

Mr. Powell for today, on motion of Mr. Albritton.

Mr. Morse for today and the balance of the week, on motion of Mr. Acker.

Mr. Kinnear for today, on motion of Mr. Reagan.

Mr. Fuchs for today, on motion of Mr. Tillotson.

INVITING TEXAS BAR ASSOCIATION TO PRESENT PROGRAM IN THE HALL.

Mr. Avis offered the following resolution:

Whereas, The Texas Bar Association and the Crime Suppression Leagues of Dallas, Austin, Houston, Sherman and other cities are desirous of discussing before the members of the Legislature the grave problem of reducing crime in the State of Texas, thus aiding in the nation-wide movement for the suppression of criminal actions among the people; therefore, be it

Resolved, That the Texas Bar Association and the Crime Suppression Leagues of the State are hereby invited to present their program for the suppression of crime among the people in the Hall of the House of Representatives on Wednesday evening, May 11, 1927, and the use of the Hall is hereby tendered for that purpose.

Signed—Avis, Fly, Hall, Murphy, King of Throckmorton, Veatch, Boon, Conway, Nabors.

The resolution was read second time and was adopted.

RELATING TO AID FOR FLOOD SUFFERERS.

Mr. Woodall offered the following resolution:

Whereas, The game of baseball is a great national sport of the American people, having contributed much to the enjoyment of the outdoor loving Americans; and

Whereas, The State of Texas has recently undergone a series of tragic storms; and

Whereas, The House of Representatives of the State of Texas is ready, willing, and able to assist our citizens who lost their property and lives in every way to the end that suffering may be relieved; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas hereby issues a challenge for a baseball game to be played with any other State department of government at a time which will not interfere with the regular duties of the aforesaid House of Representatives, for a nominal admission fee, the entire proceeds to go to said storm relief; be it further

Resolved, That a copy of this challenge be sent to the Insurance Commission, the State Senate, and any other State department which might feel able to cope with the House on the baseball diamond.

Signed—Woodall, Swain, Renfro of Mills, Long, Eickenroht, Sheats.

The resolution was read second time and was adopted.

APPOINTMENT OF PAGES ANNOUNCED.

The Speaker announced the appointment of the following permanent pages:

Stanley Spore, Sterling Strong, Dick Parks, Jack Otting, Palmer Stockwell, John Howard Payne, Joe Johnson, Jr., Scott Keeling, Worth D. Ware, Iverson Hutton, Joe Bill Bralley, John Platt, Jack Pruitt, Langston Smith, Ben Crites, Charles A. Roe, Warren Burleson, Jack Crane, Jesse Hellums, Ryan Howard, DeWard Childre, Baker Mallett; page to Sergeant-at-Arms' room, Billie Davis; page to Calendar Clerk, Burck Smith; page to stenographic force, Aron Taylor.

ELECTION OF DOORKEEPER.

The Speaker stated that it is now in order to proceed to the election of a Doorkeeper, to succeed Mr. W. M. Dickinson, and declared nominations for Doorkeeper in order at this time.

Hon. Claude Teer of Williamson county nominated Mr. D. H. Womack of Travis county.

Hon. W. T. Williams of Travis county seconded the nomination of Mr. Womack.

Hon. Lee Satterwhite of Potter county nominated Mr. Phil H. Clements of Mills county.

Hon. E. S. Cummings of Taylor county seconded the nomination of Mr. Clements.

Hon. Tom DeBerry of Red River county nominated Mr. J. M. Dunn of Hopkins county.

Hon. Sam E. Bateman of Collin county nominated Mr. Charles M. Barker of Grayson county.

Hon. A. L. Pearce of Coleman county seconded the nomination of Mr. Charles M. Barker.

Hon. John H. Veatch of Johnson county seconded the nomination of Mr. Dunn.

Hon. Walter Acker of Harris county seconded the nomination of Mr. Clements.

Hon. A. R. Van Zandt of Grayson county seconded the nomination of Mr. Dunn.

Hon. S. J. King of Hopkins county seconded the nomination of Mr. Dunn.

On motion of Mr. Sheats, nominations for Doorkeeper were closed.

Mr. Wallace of Freestone moved that the Speaker appoint tellers to take up and count the ballots and that the candidate receiving the lowest number of votes be dropped on each ballot.

The motion prevailed.

The Speaker announced the appointment of the following tellers to take up and count the votes:

Messrs. Johnson of Anderson, Barron, Kennedy, Jones and Nabors.

The votes being taken up and counted resulted as follows:

J. M. Dunn received 37 votes.

Phil Clements received 57 votes.

D. H. Womack received 17 votes.

C. A. Barker received 5 votes.

No candidate having received a majority of all votes cast, a second ballot was ordered. Mr. C. A. Barker's name was dropped, he having received the lowest number of votes.

Mr. Teer withdrew the name of D. H. Womack.

The Speaker announced the appointment of the same tellers acting as before to take up and count the vote.

The vote again being taken up and counted resulted as follows:

Phil H. Clements received 71 votes.

J. M. Dunn received 44 votes.

Phil H. Clements having received a majority of all votes cast was declared

duly elected Doorkeeper of the House of Representatives.

The Speaker announced the appointment of the following committee to escort Mr. Clements to the Speaker's stand:

Messrs. Satterwhite, Acker and Renfro of Mills.

The committee having performed their duty, the constitutional oath of office was then administered to him.

Speaker Bobbitt presented Hon. Walter Acker, who introduced Mr. Clements to the House.

Mr. Clements then addressed the House.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

S. B. No. 1, "An Act making an appropriation of \$160,000 to pay the mileage and per diem and contingent expenses of the First Called Session of the Fortieth Legislature, and declaring an emergency."

MESSAGE FROM THE GOVERNOR.

Mr. Carl L. Phinney, assistant secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

To the Members of the Fortieth Legislature:

In the proclamation convening the Fortieth Legislature in extra session three questions were mentioned as meriting legislative consideration and being sufficiently urgent to justify the calling of the Legislature in extra session. These questions involved the passage of a general appropriation bill for the support of the departments and institutions of the State government through the ensuing biennium, legislation to further facilitate and promote the building of a correlated system of public highways through this State, and the enactment of a civil service law providing for the selection of subordinate State employees by a system of classified service.

Before discussing any of the details of either of these questions, I desire to mention certain things connected with the financial condition of the State.

At the time the Fortieth Legislature met in its Regular Session, it was considered probable that there would be a

deficit in the revenues of the State by the close of the fiscal year amounting to approximately two million dollars. It was estimated that the unused appropriations made for the present fiscal year amounted to \$14,121,320.50. Deficiency appropriations had been authorized by the Executive Office since the last session of the Legislature and prior to January 1, 1927, in the sum of \$180,500. Deficiency warrants to pay sheriffs' and other officers' accounts were then outstanding in the sum of \$56,627.84, and it was estimated that \$200,000 additional would be necessary during the remainder of the fiscal year to meet other accounts of this nature. The amount of prior appropriations unused to January 1, 1927, was \$2,380,250.24. From these figures it was computed that approximately \$16,938,698.58 could be drawn against the income of the State during the remainder of the fiscal year. It was further estimated that the receipts for the fiscal year ending August 31, 1927, would be \$18,415,720.15, of which \$4,224,157.64 had theretofore been collected, leaving the estimated net income of the State for the year ending August 31, 1927, at \$14,502,426.39. On December 31, 1926, there was in the general revenue fund of the State Treasury the sum of \$1,342,967.12, with outstanding warrants amounting to \$681,045.22. It was upon these figures that the probable deficit was estimated at \$2,000,000.

Since those figures were compiled and furnished to me we have had a session of the Legislature and certain appropriations have been made from the general revenue fund.

During the Regular Session of the Fortieth Legislature the sums of money appropriated amounted to \$3,479,098.60. This figure may suggest to some that extravagant appropriations had been made. However, an examination of the appropriation bills discloses that the major portion of this money was appropriated to meet emergency needs of institutions and departments which had not been properly provided for by prior appropriations.

The distressing and long existing financial condition in the State prison system was accountable for a considerable portion of this appropriation. The bonds or notes due Brown-Crummer Company amounted to \$750,000, and with interest due at their maturity date, which was in February, 1927, the total amount due on this obligation by the

prison system was \$787,500. Other notes and accounts of the prison system maturing prior to March 1, 1927, amounted to \$875,881.29. It was estimated that the operation of the prison system on a budget basis from March 1st to September 1st, the end of the fiscal year, would cost \$874,000. To meet this obligation the prison system had \$140,731.26. It was apparent from these figures the prison system needed \$733,268.74 to meet its current operating expenses through the last five months of this fiscal year. Therefore, the outstanding obligations of the prison system due prior to September 1, 1927, and the cost of operating the system from March 1, 1927, to September 1, 1927, amounted to the sum of \$2,596,650.03. To dispose of this item of indebtedness inherited by this administration, it was necessary to pay from the general revenue fund the sum of \$787,500 due the Brown-Crummer Company, and it was necessary to appropriate from the general revenue fund the sum of \$1,809,150.03. The appropriations made by the Regular Session of the Legislature included \$1,809,150.03 appropriated for the purpose of meeting the needs of the State prison system, and the Brown-Crummer obligation was paid in addition to this appropriation.

To meet deficiencies due district judges and prosecuting attorneys, an appropriation of \$63,620.99 was made by the Fortieth Legislature in its Regular Session. Appropriations made to meet outstanding deficiencies authorized prior to January 18, 1927, amounted to the sum of \$180,921.38. Appropriations were made to meet the obligations of the Live Stock Sanitary Commission and support it until September 1, 1927, in the sum of \$179,500. For educational purposes there was appropriated \$1,032,386. The emergency appropriation bill carried appropriations for the departments amounting to \$209,617.85. The eleemosynary institutions received in the emergency appropriation bill the sum of \$260,040. The above are some of the items which were carried by the appropriation bills passed by the Regular Session of the Fortieth Legislature.

I am conscious of the fact that perhaps some criticism may have been made of my exercise of the veto power concerning a number of items included in the appropriations made by the Regular Session of the Fortieth Legislature. It is my purpose to exercise the utmost frugality in the conduct of the govern-

ment, and the items stricken from the appropriation bills were those I felt could be eliminated without permanent injury to any of the State departments or institutions.

Your attention is invited to a critical examination of the appropriations carried by the bills passed by the Regular Session of the Fortieth Legislature and upon such analysis you will find that the major portion of the money thereby appropriated was to meet debts owing by the State government and to meet needs which had not been properly provided for by prior appropriations. The major portion of the money was appropriated to satisfy what might be considered back debts of the State government.

Since the adjournment of the Regular Session of the Fortieth Legislature figures have been compiled with reference to the total charges against the general revenue fund for the year ending August 31, 1927. The following is a tabulated list of these charges:

To appropriations by the Thirty-ninth Legislature	\$21,977,694.46
To appropriations by the Fortieth Legislature ...	3,470,098.60
Unexpended prior appropriations that extend back for a period of several years, \$2,380,250.24, less estimated amount that should revert back to the State Treasury, based on the same estimate of previous years, \$2,000,000	380,250.24
Total charge against general revenue, year ending Aug. 31, 1927.	\$25,837,043.30
Receipts of General Revenue Fund for the Year Ending August 31, 1927.	
Cash balance in State Treasury credited to general revenue fund from Sept. 1, 1926	\$ 5,458,922.52
Total receipts arising from 23-cent ad valorem tax rate, \$8,342,869.80, less 20 per cent to cover assessing, collecting and delinquents, \$1,668,573.96 less approximate amount of taxes remitted to various counties, \$505,774.21	\$ 2,174,348.17

Net estimated income from 23-cent ad valorem tax ..	6,168,521.63
Estimated receipts from other sources of taxation during fiscal year	12,147,198.52
Estimated receipts from prison system based on results of prior year ...	177,071.31
Estimated amount of ap- propriation from general revenue to supplement available school fund which will not be used because of increase in gasoline tax	1,000,000.00
Estimated increase in re- ceipts from sources of taxation other than ad valorem property based on experience of previous years	600,000.00
	<u>\$25,551,713.98</u>

Estimated deficit September 1, 1927..... 285,329.32

The foregoing figures do not reflect the financial condition of the Highway Department.

It was evident during the years of 1925 and 1926 that the system employed by the Highway Commission would eventually bring that Department into a state of hopeless insolvency. Those who had taken occasion to inform themselves, or who undertook to get information relative to its condition during the year of 1926, realized that its finances were heavily involved, but it was impossible to gain accurate and definite data concerning its exact financial status. This was not available until a hasty audit was made in February of this year. This audit disclosed to the general public a lamentable state of affairs that was not known to exist, and it was surprising even to those who had undertaken to keep themselves informed as to the status of the Department.

In my first message to the Fortieth Legislature, I suggested the advisability of ascertaining the exact financial condition of the Highway Department, because I believed that such information was necessary before they could know what was necessary in order to save our highway program. The Investigation Committee, which was in session in this city during the latter part of the year 1926, undertook to learn something of the financial condition of the Department, but so far as I am informed the

committee was not able to obtain accurate and definite information on this point.

The condition of the highway funds, as disclosed by examination conducted in February, made it evident that the continuation of our highway program was contingent upon that Department being furnished with additional revenues. Many people had hoped and expected that all obligations of the government could be met and all departments and activities supported without any increase in taxation. However, the disclosures of those who examined the accounts of the Highway Department made it evident that notwithstanding the prevailing attitude toward an increase in taxation, that one of two things had to be done. It was certain that either the continual construction and development of highways in this State would have to remain at a standstill for the next year or two, or that additional funds through an increase in taxes would have to be supplied to the Department.

One of the startling disclosures with reference to highway funds was the fact that there were in the Highway Department at the time approximately \$1,000,000 of approved estimates for highway work for which had not been paid. Not only was it true that the obligations for the cost of constructing the roads had not been paid as they matured and became due, but even Department employees and laborers were without pay for work done as far back as September and October.

The following figures were furnished me by those who superintended the investigation of the affairs of this Department: The cost of construction work then under contract and in process of performance was estimated at approximately \$6,250,000. However, I understand that this figure was not placed high enough, and that it has since developed that the cost of this work will be more than was originally estimated. The system of maintaining roads by contract through the year 1925 and their lack of proper maintenance during the year 1926 had spent the tax money of the people but the roads were not in the state of maintenance required by the Federal government. I was advised that the Federal government was expecting the State to spend for road maintenance during the year 1927 the sum of approximately \$10,000,000. It was ascertained that the cost of maintenance of the Department would amount to approximately \$500,000.

The machinery purchased by the State for the maintenance of roads when this function was entrusted to the Highway Department had been scattered from one end of Texas to the other. Instances were told of quantities of this machinery having been gathered together and sold for junk to secure money to purchase an automobile for some of the road employees. It has been said that much of this machinery will not be located and recovered by the State, although I understand men have been employed and placed out in the field undertaking to retrieve as much of it as possible. It was estimated that before the State could spend the money for the maintenance of roads and properly do the work of maintenance that at least one million dollars worth of highway equipment would have to be purchased.

Upon adding the cost of construction work then in progress, the estimated cost of maintenance, the cost of supporting the Department and the cost of the equipment, it was estimated that the Highway Department needed not less than \$17,750,000 to meet and satisfy the above obligations.

The income of the Department was received from a motor tax, gasoline tax and other miscellaneous items of income. The yield of the motor tax was estimated at \$10,500,000. The receipts from the gasoline tax, at 1 cent per gallon on gasoline sold, was estimated at \$4,250,000. This last figure is obtained after deducting that portion of the gasoline tax which goes to the available school fund. The receipts of the Department from miscellaneous sources was estimated at \$50,000. Thus it will be seen that the Highway Department was confronted with the demand for \$17,750,000 and was faced with an income of but approximately \$14,800,000 to meet this demand. In addition to the above there was available to the State of Texas from Federal Aid approximately \$6,500,000, but there was no money in the highway fund with which to match this Federal Aid. To meet this inherited deficit it was perfectly evident that an increase in taxes to finance the Highway Department was required or the development of the good roads program would have to mark time until the present rates of revenue would increase the funds of the Department. The Legislature wisely determined the development of our highway system should progress, and that as between the two they would choose to raise the gasoline tax rather than leave the develop-

ment of highways remain dormant for the want of sufficient funds.

Another of the commendable results of the increase in the gasoline tax is the yield of more money to the available school fund. This will reduce the amount of demands made upon the general revenue funds.

The foregoing are conditions which have been met, and you are now faced with the matter of making provision for the support of the departments and institutions of the State government through the ensuing biennium.

The Board of Control has recommended the appropriation of \$37,748,058.56 for the next two years.

Committees of the Legislature have been busy during the time since adjournment of the Regular Session endeavoring to prepare an appropriation bill. Generally I understand that the bill prepared by the Appropriation Committee of the House and that the bill prepared by the Finance Committee of the Senate will exceed the recommendations of the Board of Control. I believe you can safely estimate the income of the State for the next two years, based upon existing rates and sources of taxation, will not exceed the sum of forty to forty-one million dollars.

The recommendation of the Board of Control does not include an appropriation for rural aid and neither does it include appropriations to supplement the available school fund. These are matters for which provision should be made.

I do not doubt but that some of the departments of the State could suspend operations today and no ill effects would be felt by either the business of the State or any considerable number of its citizens, and the government would continue to function just as efficiently and just as smoothly. But I am positive that you cannot neglect the elementary schools of this State without doing a lasting injury to Texas. The existence of free government depends upon an educated citizenship, and only people whose minds have been enlightened by education are capable of self government.

The vast majority of the people of this State never come in contact with any educational institutions except the graded schools. When the necessities of education are considered and the demands made upon our institutions are taken into account, I do not believe there is any better purpose for which public funds can be expended than to aid the elementary and rural schools in affording adequate and equal educational op-

portunities to the boys and girls of Texas. Whatever else may have to be sparingly treated in the appropriation of public money, I believe that the public school system should be properly supported. This does not mean that I do not favor an adequate support of our institutions of higher learning; on the contrary, I favor a liberal policy toward these institutions. The grade schools are the basis of all education in this State, and the institutions of higher learning depend upon these schools and their efficiency before they can perform the public service for which they were originally intended. I agree with the sentiment expressed by President Wilson when he said that the thing which we need is to hear the murmur of the voices of the common people within the corridors of our colleges. The route to college lies through the grade school, and I hope that the opportunities for education will increase in this State, and that the means of education placed within the reach of the average boy and girl of Texas will be such as to equip that boy or girl to enter college, and such as to inspire an ambition to secure a higher education. I believe the grade schools are a matter of transcendent importance in our school system. It is, therefore, my suggestion that one of the prime considerations should be to see that provision is made for an adequate available school fund to properly support the elementary schools of the State, and that a more just basis of apportioning the rural aid fund be determined upon.

The increase in the gasoline tax will substantially increase the available school fund, but from the best estimates available, the available school fund will not be sufficient without an appropriation from the general revenue of the State.

The support of our institutions of higher learning is important, and the welfare of our State for the future is to be promoted by an adequate support of these institutions. Within the expectant revenue of the State I encourage you to be as liberal as possible with the cause of education in our several institutions of higher learning.

It has been suggested, and the suggestion bears merit, that there is a duplication of work in these institutions, and that savings could be accomplished without impairment of the institutions by providing for elimination of some of the duplication. This is within the power of your body. I realize the practical

obstacles which stand in the way. It has been long advocated in this State, and by some of your members, that a non-salaried board be created to have general supervision over this question. I submit this suggestion to you for your consideration, and in submitting the question I desire to say that in my judgment it contains merit, and that its adoption in principle is highly desirable.

The amount of revenue available should be ample to properly support the functions of this government. I urge that you measure the requests that are made of you by the expectant revenue for the biennium and that the bill ultimately passed be kept within such revenue.

Saving can be accomplished through the consolidation of some of the departments of the State government and through the elimination of some of the unnecessary positions now paid out of the public revenue. I suggest for your consideration the consolidation of the work done by the department of the Board of Reclamation with the work of the Board of Water Engineers. The work of these two departments is sufficiently related to justify their consolidation; and I believe that in other boards and bureaus of the State government eliminations can be made and savings can be accomplished. No employees ought to be on the public payroll whose services are not essential to the legitimate functions of the government or who do not perform a public service commensurate with the salary paid for such service.

State Highways.

One of the most important departments of our State government is that having charge of highway affairs. As has been pointed out, the Legislature has provided adequate finance for our Highway Department, but attention should be given to so constructing our laws that the development of the highways in this State shall be facilitated. The designation of between 20,000 and 25,000 miles of highway has heavily increased the burden of highway maintenance in Texas. Many miles of these roads are difficult, if not impossible, of proper maintenance. The demands upon the highway fund for maintenance of this extensive mileage have substantially reduced the amount of money available for building permanent roads upon which the maintenance cost is low. I am advised by the Federal authorities that

former maintenance of highways in this State has not been satisfactory, in that it does not measure up to the standards set by the Federal Bureau of Public Roads. The present Commission has been able in a few months it has been in office greatly to improve the condition of maintenance and their policy towards maintenance has met with the commendation of the representative of the Federal Bureau of Public Roads.

Appropriate legislation should be passed to aid in the building of lateral roads extending out to the farms which are now on mud roads, but which bear a part of the tax to build good roads. This will reduce the number of requests for designation of highways, and ultimately reduce the amount which the State is now required to spend in the maintenance of highways. Certainly the State cannot build and maintain a highway in front of every man's door, but the thousands of our citizens who live far removed from the improved highways should receive consideration at your hands. It should be remembered that all these desire and need better roads, and laws should be adopted to the end that the interests of the people living on the farms may be properly safeguarded in the development of our highway system.

I do not believe that the Legislature can well afford to undertake by legislative enactment to fix the general policy of the Highway Department.

I do believe, however, a great improvement of our highway system can be accomplished by adopting the following policies:

1. That the Highway Commission shall cause to be made, under the supervision of its engineering force, a survey of all designated roads; and that such roads shall be classed as first, second and third class, according to character of construction, traffic demands, and relative importance in a connected and correlated system of public highways.

2. That in the construction of public roads, regardless of the funds used in the construction thereof, durable types of road-building material should be used, demanding only the minimum amount of maintenance, with the view of keeping a connected system of principal highways intended to serve the greatest number of citizens. Where roads are built from State and Federal funds, the plans should contemplate the completion of the principal highways of the State, accommodation of the greatest number of people and the heaviest

traffic. Where the funds are insufficient to construct a road of durable type, the effort should be to use a type of construction which may be maintained at a minimum cost until funds are available to complete the road with a more durable character of construction.

3. That the advice of the engineers and technical experts employed by the Highway Commission shall be followed in so far as possible and consonant with the good of the system.

4. That the program of maintenance of the large mileage of designated highways consisting of dirt and other unimproved roads which, for lack of funds, cannot be made into durable highways in the immediate future should include the substantial betterment year by year of such roads by proper drainage, grading and repairing of structures and using good material which would increase the serviceability at small cost.

These are matters of policy which should be left to the Highway Commission, rather than be made the subject of legislative enactments. I realize that, as conditions change from time to time, a change of policy for the improvement of the road system should not be made impossible because of the existence of some legislative enactment.

I favor giving the counties a larger voice in the administration of highway affairs. I advocate the passage of a law which will give the commissioners court of a county in which a highway is to be constructed by the use in whole or in part of county funds, the right of representation to the extent that it shall have the privilege of naming some person who, as the representative of the county, shall sit with the Highway Commission and have a voice in the selection of the type of construction and in awarding the contract.

It will be necessary for certain measures to be passed in order to provide for the situation created by changes in the highway statutes brought about by the recodification. In such laws as are passed it would be wise to eliminate in so far as possible the details of matters involving purely questions of policy.

Civil Service.

I believe that those who direct governmental policies should be responsible to public opinion, and that the appointive heads of departments should be subject to change with changing administrations, and that only those whose views are in accord with the prevailing popular will should formulate the poli-

cies which are to control the operations of government. This principle, however, does not extend to subordinate employes, and particularly to those places under the government requiring technical knowledge and skill; and I believe that greater efficiency in the administration of government would be insured through the enactment of a classified civil service act which shall protect technical experts and subordinate employes in the service of the State by securing their tenure of office through changing administrations. I have consistently urged, as a sound policy of State government, the establishment of a system of merit for the civil service of the State, and urge upon the Legislature the most careful consideration of the subject by them, and that a measure wisely adapted to the conditions and requirements of Texas providing for a classified civil service be adopted.

I believe that the system can be adopted without increased cost to the taxpayers of Texas by employing some of the existing agencies of the government as a civil service commission, and that such employes as may be necessary to carry the system into effect can be paid from the fees incident to the examination of applicants.

In this connection, I digress to suggest to you that the constantly increasing call upon the Legislature, through the past few years, for more State employes, has given the State employes that are not actually needed in the civil branches of the government. With the selection of subordinate employes upon a basis of merit, it is my judgment that increased efficiency will be secured, and the number of State employes necessary to discharge the duties of the several Departments will be reduced.

One of the measures passed by the last Legislature failed to carry the proper saving clause to protect pending cases, and I submit for your consideration the passage of a saving clause to Chapter 272, Acts of the Fortieth Legislature. This is an act amending Article 1256 of the Penal Code, and provision should be made to continue the prosecution of all pending cases of manslaughter.

I reserve for further messages such other questions as, from time to time, may be deemed of sufficient importance to merit consideration in this session.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

By Mr. Teer:

H. B. No. 1, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1927, and ending August 31, 1929, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Teer:

H. B. No. 2, A bill to be entitled "An Act making appropriations for the support and maintenance of the State government for the fiscal years ending August 31, 1928, and August 31, 1929, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Teer:

H. B. No. 3, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes and the maintenance of certain eleemosynary institutions for the two fiscal years beginning September 1, 1927, and September 1, 1928, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Tillotson:

H. B. No. 4, A bill to be entitled "An Act to authorize and empower county commissioners courts to control and regulate the use of county roads and highways, other than parts of the system of designated highways, and to protect such roads from damage by regulating the classes of vehicles and the loads carried thereon permitted to use such county roads; providing such act shall not repeal any law but shall be cumulative of all similar statutes, and providing a penalty for the violation thereof."

Referred to Committee on Highways and Motor Traffic.

By Mr. Tillotson:

H. B. No. 5, A bill to be entitled "An Act defining and classifying the Civil Service of this State, and such counties and municipalities as may adopt the provisions of the Act, as here-

in provided; creating a Civil Service Commission and prescribing the manner of their appointment, compensation, and organization; and defining and prescribing the duties, powers and authority of such Commission; authorizing the Commission to appoint a secretary who shall also perform the duties of chief examiner as defined in the provisions of this Act, and defining the duties of such secretary-examiner; creating and defining rules and regulations governing the civil service of the State, and such counties and municipalities as may adopt the provisions of this Act; conferring upon the Civil Service Commission the authority, and making it the duty of said Commission to adopt all such rules and regulations, not inconsistent with the law, as may be necessary for the operation and enforcement of this Act; classifying and regulating the employment, terms, promotion and discharge of certain officers and employes of this State, and such counties and municipalities as may adopt the provisions of this Act, as provided under the Civil Service Commission, and exempting certain officers and employes from the provisions of this Act; providing that the civil employment of the State shall be divided into the classified and unclassified service, that the unclassified service shall not be subject to the provisions of this Act, and providing for the manner of classification and division and application of the Act to the classified employment of the State, and such counties and municipalities as adopt the provisions of this Act; defining and prescribing certain duties for various State officers and heads of departments of the State, and certain officers of counties and municipalities, adopting the provisions hereof; prescribing the method and manner by which any county or incorporated town or city may adopt the provisions of this Act, and providing that when so adopted that the provisions of this Act shall immediately be in full force and effect in such county or municipality; providing penalties for violations of the provisions of this Act, and repealing laws in conflict herewith."

Referred to Committee on State Affairs.

By Mr. Williams of Travis:

H. B. No. 6, A bill to be entitled "An Act to amend Articles 603 and 604 of Title 20, Chapter 1, Revised Statutes, 1925, and adding to said Title 20 another chapter providing for efficiency

tests and examinations and classification of appointive ministerial and clerical officers and employes of the State of Texas; regulating such tests and examinations and providing for fixing the compensation of such employes, and repealing all laws in conflict."

Referred to Committee on State Affairs.

By Mr. Young, Mr. Graves and Mr. Wallace of Freestone:

H. B. No. 7, A bill to be entitled "An Act to appropriate two million dollars, or so much thereof as may be necessary, out of the general revenue not otherwise appropriated, to supplement the State available school fund derived from all other sources for the support and maintenance of the public free schools of the State of Texas for the scholastic year beginning September 1, 1927, and ending August 31, 1928, and three million four hundred eighty thousand dollars to be appropriated for the same purpose for the scholastic year beginning September 1, 1928, and ending August 31, 1929, to enable the State Board of Education to declare a per capita apportionment of the State available school fund of fifteen dollars for each scholastic year of the biennium, 1927-1929; providing that for the year beginning September 1, 1927, and ending August 31, 1928, the Comptroller is

directed to transfer one million dollars, or so much thereof as may be necessary on the first day of April, 1928, and one million dollars, or so much thereof as may be necessary, on the first day of July, 1928; and providing further, that the Comptroller is directed to transfer one million seven hundred forty thousand dollars, or so much thereof as may be necessary, on the first day of April, 1929, and one million seven hundred forty thousand dollars, or so much thereof as may be necessary, on the first day of July, 1929, and place it to the credit of the available school fund to carry out the provisions of this Act, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Rogers of Hays and Mr. McKean:

H. B. No. 8, A bill to be entitled "An Act making an appropriation for the control and eradication of the pink boll worm of cotton for the two-year period beginning September 1, 1927, and ending August 31, 1929."

Referred to Committee on Appropriations.

ADJOURNMENT.

On motion of Mr. Satterwhite, the House, at 12 o'clock m., adjourned until 10 o'clock a. m. tomorrow.

In Memory
of
Hon. J. C. Ramsey

Mr. Williams of Sabine offered the following resolution:

Whereas, On April 1, 1927, the Hon. J. C. Ramsey, member of the House of Representatives of the Fortieth Legislature, answered the last and supreme summons when called by the Heavenly Father to his eternal home; and

Whereas, The Hon. J. C. Ramsey was one of our most beloved and esteemed members and recognized as one of the most useful and valuable among us by virtue of his innate and acquired qualities of mind and heart; and

Whereas, By his death the people of Texas not only lose a valuable public servant, but a citizen of exalted character, a man whose life has no stain, and whose purpose was without flaw; therefore be it

Resolved by the House, That a page be set aside in the Journal of the House to his memory; that we give expression of our heartfelt sympathy to the family in their sorrow; that a copy of the Journal containing this resolution be sent to the family, and when the House adjourns today it be out of respect to him and his memory.

WILLIAMS of Sabine,
CONWAY,
SHEATS,
BLACK,
HALL,
GRAVES,
HOLDER,
MURPHY,
GILBERT,
PEARCE,
BARNETT,
WEBB,
ACKER.

The resolution was read second time and was adopted by a rising vote.